IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION No. 8582 of 2005

MAHESHCHANDRA B.SHARMA ... Petitioner
V/S
MAHESHCHANDRA B.AGARWAL
AND ORS. . .. Respondents

Mr. Atul G. Damle for petitioner
Mr. Y. K. Tiwari i/b. M/s. K.P. Tiwari & co., for respondent no.1A to 1C.

CORAM: S. B. MHASE J.
DATE:20/04/2006

P.C.:

Heard.

In-spite of remand orders by this court the petitioner has remained absent and therefore matter was dismissed. The appellate court has thoroughly considered the grievance of the petitioner, more specifically as set out in paras 21, 22 and 23 of the judgment, after perusing the records and the boards of the City Civil Court and recorded a finding of fact that there was proper intimation given to the petitioner and the matter was regularly on Board and since he was not present the matter was dismissed. Thus the opportunity which was given to the petitioner by this court by remanding the matter has not been properly availed of by the present petitioner.

The present petitioner appears to be only interested in prolonging the matter. It is an admitted fact that at the earlier stage of the litigation even the petitioner has lost possession of the property.

No interference is called for. Rejected.

(S. B. MHASE J.)